

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

**HELEN OF TROY LIMITED, a Barbados
corporation,**

Plaintiff,

v.

**BESTCUPSHOP.COM;
BESTCUPSSALE.COM;
BOMOSFIT.COM; CAMOGYM.COM;
CHEAPERBOTTLE.COM;
CHEAPHYDROFLASK.COM;
CHENJIAJIN D/B/A
HYDROFLASKEN.COM;
DEALHYDRO.COM;
FANACTICSCUP.COM; FENGZHU
ECOMMERCEHOLDINGS LLC; GUO
TANG D/B/A
HYDROFLASKOUTLET.COM;
HFTUMBLERS.COM; HOU SU PING
D/B/A EFOAQ.COM; HUA SHUNG HU
D/B/A FINYP.COM; HYDROASK.COM;
HYDROEFLASK.COM;
HYDROFLASKC.COM;
HYDROFLASKCUP.COM;
HYDROFLASKCUPS.COM;
HYDROFLASKDEAL.COM;
HYDROFLASKDEALS.COM;
HYDROFLASKI.COM;
HYDROFLASKOFFICIAL.COM;
HYDROFLASKSALE.COM;**

Case No. 3:18-cv-1165-SI

**TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE WHY
A PRELIMINARY INJUNCTION
SHOULD NOT ISSUE**

**HYDROFLASKSALES.COM;
HYDROFLASKSELL.COM;
HYDROFLASKSHOPUS.COM;
HYDROFLASKSTORE.COM;
HYDROFLASKTUMBLER.COM;
HYDROFLASKUS.COM;
HYDROFLSAK.COM;
HYDROOFLASK.COM;
HYDROSFLASK.COM;
IEKASHOP.COM; CUPSDEAL.COM;
JIMMY LI (D/B/A
CUPSTOREONLINE.COM,
FLASKHYDRO.COM, FLASKHYDRO.
COM, FLASK-HYDROFLASK. COM,
HYDROCUPFLASK.COM,
HYDROFLASK-BOTTLES.COM,
HYDROFLASK-BOTTLES.COM,
HYDROFLASKBOTTLES.STORE,
HYDROFLASK-CUP.COM,
HYDROFLASKHYDRATION.COM,
HYDROFLASK-OFFICIAL.COM,
HYDROFLASKOFFICIALSTORE.COM);
JINKUN CHEN D/B/A
JACKETGOOSE.COM;
KEAOUTLET.COM; LI CHAOQUN
(D/B/A HYDROFLASK.BIZ,
HYDROFLASKCHEAP.COM,
HYDROFLASKCOFFEE.COM.
HYDROFLASK-CUP.COM,
HYDROFLASKFORSALE.COM,
HYDROFLASK-SHOP.COM, HYDRO-
FLASKSTORE.COM,
HYDROFLASKTUMBLERS.COM,
XHYDROFLASK.COM); LIFEIDA
ELECTRONIC BUSSINESS CO., LTD;
MEILIAN LLC; MIERFITNESS.COM;
OFFICIALCUPSTORE.COM;
OFFICIALHYDROFLASK.COM;
ONLINECUP.STORE;
SHOPHYDROFLASK.COM; SMARK
JOHN D/B/A/ BUYFLASKINFO.COM;
ZENGXIANGHUA D/B/A/ GKMSF.COM;
and ZONG ZHOU,**

Defendants.

Michael H. Simon, District Judge.

This matter came before the Court on the Motion for Temporary Restraining Order and Preliminary Injunction (“Motion”) filed by Plaintiff Helen of Troy Limited (“HOTL”). ECF 12. HOTL seeks to enjoin defendants from advertising, offering for sale, selling, or distributing products using the HYDRO FLASK trademarks and passing themselves off as being Helen of Troy or an authorized retailer or distributor. This Court has jurisdiction over this matter pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1337, and 1338.

Based upon the Amended Verified Complaint and its exhibits (ECF 18), the Court finds that HOTL is likely to succeed on the merits of its trademark infringement, counterfeiting, unfair competition, false designation of origin, and cyberpiracy claims; if Defendants are not immediately restrained as set forth in this Order, HOTL is likely to be irreparably harmed; the balance of the equities favors granting temporary injunctive relief in this case; and granting temporary injunctive relief is in the public interest. The Court also specifically finds:

A. If defendants are not immediately enjoined from using the HYDRO FLASK trademarks to advertise, offer for sale, sell, or distribute counterfeit HYDRO FLASK branded products, plaintiff will suffer immediate, ongoing, and irreparable injury, loss, and damage in the form of loss of control over the goodwill and reputation associated with its marks as well as lost business. The injury to plaintiff is irreparable because defendants’ actions are causing members of the public to buy substandard, counterfeit products on the mistaken belief that they are buying genuine Hydro Flask products, thus injuring the goodwill and reputation that plaintiff has invested substantial time, energy, and money to develop.

B. Plaintiff has no adequate remedy at law.

C. Plaintiff's lawyers have made reasonable efforts to notify defendants of the Motion by communication sent by email, as email is the only means plaintiff knows to contact defendants due to their use of fictitious names and privacy services to hide their true identities in their domain name registrations.

Accordingly, it is **HEREBY ORDERED** that:

1. The above-named Defendants, their agents, servants, employees, and attorneys and all other persons in active concert or participation with any of the above-named Defendants who receive actual notice of this Order, by personal service or service by email, are enjoined from:

a. using in any manner any of the HYDRO FLASK Marks or any company name, trade name, trademark, or service mark that consists of, or is confusingly similar to, any of the HYDRO FLASK Marks in connection with the manufacturing, advertising, promotion, offering for sale, sale, or distribution of any goods or services not authorized by Helen of Troy;

b. using in any manner any domain name or social media account name that consists in whole or in part of the HYDRO FLASK mark or any confusingly similar term, including the following domain names: cheaphydroflask.com; hydroflasken.com; hydroflaskoutlet.com; hftumblers.com; hydroask.com; hydroeflask.com; hydroflaskc.com; hydroflaskcup.com; hydroflaskcups.com; hydroflaskdeal.com; hydroflaskdeals.com; hydroflaski.com; hydroflaskofficial.com; hydroflasksale.com; hydroflasksales.com; hydroflasksell.com; hydroflaskshopus.com; hydroflaskstore.com; hydroflasktumbler.com; hydroflaskus.com; hydroflsak.com; hydrooflask.com; hydrosflask.com; flaskhydro.com, flaskhydro.com; flaskhydro-flask.com; hydrocupflask.com; hydroflask-bottles.com; hydro-flask-bottles.com. hydroflaskbottles.store; hydroflask-cup.com; hydroflaskhydration.com; hydroflask-

official.com; hydroflaskofficialstore.com; hydroflask.biz; hydroflaskcheap.com;
hydroflaskcoffee.com; hydroflask-cup.com; hydroflaskforsale.com; hydro-flask-shop.com;
hydro-flask-store.com; hydroflasktumblers.com; xhydroflask.com; officialhydroflask.com; and
shophydroflask.com;

c. using the following domain names, which Defendants are using or have recently used to advertise, offer for sale, or sell counterfeit Hydro Flask products:

bestcupshop.com; bestcupssale.com; bomosfit.com; camogym.com; cheaperbottle.com;
dealhydro.com; fanacticscup.com; efoaq.com; finyp.com; iekashop.com; cupsdeal.com;
cupstoreonline.com; jacketgoose.com; keaoutlet.com; mierfitness.com; officialcupstore.com;
onlinecup.store; buyflaskinfo.com; and gkmsf.com; and

d. otherwise falsely representing that Defendants, individually or collectively, are in any way connected with, sponsored by, endorsed by, associated with, or affiliated with Helen of Troy or any of its affiliates.

2. The registrars and registries through which each of the domain names identified above are registered immediately disable and lock each domain name so that it cannot be used or transferred during the pendency of this action; and

3. The privacy services through which the following domain names are registered provide to Helen of Troy's counsel, within fourteen (14) days from the entry of this Order, the name and all known contact information for the registrant of the domain name: bomosfit.com, camogym.com; hftumblers.com; hydroask.com; hydroflaskcup.com; hydroflaskcups.com; hydroflaski.com; hydroflaskofficial.com; hydroflasktumbler.com; hydroflaskus.com; hydrooflask.com; hydrosflask.com; keaoutlet.com; mierfitness.com; officialcupstore.com; and onlinecup.store.

4. This Temporary Restraining Order is effective until **Thursday, August 2, 2018**, unless extended by further order of this Court.

5. Defendants are ordered to appear before U.S. District Judge Michael H. Simon in Courtroom 15B of the United States District Court for the District of Oregon, 1000 SW Third Avenue, Portland, OR 97204, on **Thursday, August 2, 2018**, at 3:30 p.m. to show cause why a preliminary injunction should not issue so that the order described above continues and remains in effect while this action is pending.

6. Pursuant to Rule 65(c), Plaintiff is required to post a bond with the Clerk of the Court in the amount of \$2,000.00.

IT IS SO ORDERED.

DATED this 19th day of July, 2018 at 2:00 p.m.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge